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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,477	12/30/2004	Hiroaki Hamada	0033-0971PUS1	2658
2292 7590 08/22/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HSU, AMY R	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 08/22/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/519,477

Applicant(s)

HAMADA ET AL.

Examiner

Amy Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/30/2004</u>                                                | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Umeyama (US 2002/0057473).

Regarding Claim 1, Umeyama teaches mobile phone equipment (*Paragraph 68 teaches that Umeyama's teaching applies to cellular phones*), comprising: a photographing unit (*Fig. 3 reference number 202*) for converting incident light into an electric signal and outputting as image data (*Paragraph 46*); a first image data storage unit (*Fig. 2 reference number 207*) for temporarily storing a plurality of original image data (*Paragraph 41 describes 207 as a buffer memory which temporarily stores image data*) obtained with a continuous photographing function of said photographing unit (*Fig. 3 shows the continuous photographing function with the flow starting with step S1 through S3 where the captured image is stored, and continuously repeats at step S6 back to S1 if the mode is still in photographing mode*); a display unit for displaying said original image data (*Fig. 2 reference number 3 and Fig. 3 reference number S5*); and an image data playback unit for continuously displaying on said display unit the plurality of said original image data stored in said first image data storage unit (*In Fig. 3 the left side flow resulting in "No" from Step S1, stores captured images in the temporary*

*memory, 207, whereas the right side of the flow resulting from "Yes" from Step S1 stores image data eventually in the permanent memory, 208 in Step S15. Following the left side, images are continuously captured and stored in temporary memory 207 until at step S6 the mode is switched to reproduction mode, in which case the apparatus will display the captured images from 207, the first storage unit).*

Regarding Claim 2, Umeyama teaches the mobile phone equipment according to claim 1, further comprising a thumbnail image data generation unit for generating thumbnail image data from said original image data (*Fig. 3 step S14 and Paragraph 50 teach the original image is processed to prepare a thumbnail image*), wherein on said display unit, an overview of said thumbnail image data of the plurality of original image data is displayed after the plurality of said original image data are obtained with the continuous photographing function of said photographing unit (*Fig. 6A and Paragraph 59*).

Regarding Claim 3, Umeyama teaches the mobile phone equipment according to claim 2, further comprising a second image data storage unit for permanently storing image data (*Fig. 2 reference number 208*), wherein in the second image data storage unit, the plurality of said original image data obtained in single photographing through the continuous photographing function of said photographing unit and said thumbnail image data are stored in an identical folder (*Fig. 4 shows that the thumbnail and the*

*main image data are part of the same file, therefore the image and the thumbnail are in the same folder if they are in the same file)..*

Regarding Claim 4, Umeyama teaches the mobile phone equipment according to claim 2, wherein in said first image data storage unit, said original image data and said thumbnail image data are temporarily stored (*Paragraph 50 teaches that the image data and the thumbnail are stored in the temporary storage, 207*).

Regarding Claim 5, Umeyama teaches the mobile phone equipment according to claim 4, further comprising a second image data storage unit for permanently storing image data (*Fig. 2 reference number 208 is a memory card for permanently storing image data*), wherein in the second image data storage unit, the plurality of said original image data obtained in single photographing through the continuous photographing function of said photographing unit and said thumbnail image data are stored in an identical folder (*See Paragraph 51 and Fig. 4*).

Regarding Claim 6, Umeyama teaches mobile phone equipment, comprising: a photographing unit for converting incident light into an electric signal and outputting as image data (*as addressed with Claim 1*); a thumbnail image data generation unit for obtaining said image data as original image data and generating thumbnail image data from the original image data; a display unit for displaying an overview of a plurality of thumbnail image data generated from a plurality of original image data obtained by said

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photographing unit through a continuous photographing function (*as addressed with Claim 2*); an image data storage unit for storing said original image data and said thumbnail image data in an identical folder (*as addressed with Claim 3*); and an image data playback unit for reading said original image data from said folder and continuously displaying on said display unit (*as addressed with Claim 1*).

Regarding Claim 7, Umeyama teaches the mobile phone equipment according to claim 6, wherein in said image data playback unit, the plurality of said original image data are displayed on said display unit with a constant time interval (*Paragraph 62 teaches that the apparatus can display a slide show, which displays images at a constant time interval*)..

### **Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including Myojo (US 2003/0122940), Terane (US 6734909), Shiohara (US 6445412), Anderson (US 6313877), and Suzuki (US 5724579).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu  
Examiner  
Art Unit 2622

ARH 8/14/07

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized flourish at the end.

LIN YE  
SUPERVISORY PATENT EXAMINER